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IN REPLY REFER TO:
3968-20080200-PLC

February 14, 2008

Via E-Filing and Overnight Mail

Patricia V. Trumbell, Magistrate
UNITED STATES DISTRICT COURT
Northern District of California, San Jose Division
280 South First Street
San Jose, California 95113

RE: JOHNSON, et al. v. FIRST FEDERAL BANK OF CALIFORNIA
Case Number: C08-00264PVT
Motion to Dismiss Plaintiff's Complaint: 3/4/08 at 10:00 a.m.

Dear Honorable Patricia V. Trumbell:

This office represents the Defendant, First Federal Bank of California ("First Federal Bank"). This letter shall formally request that you allow my office on behalf of First Federal Bank to appear by telephone at the Motion to Dismiss Complaint set for hearing on March 4, 2008 at 10:00 a.m.

This case involves allegations by the Plaintiffs that First Federal Bank violated the Truth in Lending Act and Home Ownership Equity Protection Act in connection with the refinance of their residence in 2005. First Federal Bank denies that any violations occurred, and further contends that the claims are barred by the one year statute of limitations contained in the operative statutes.

First Federal Bank has been engaged in litigation with Plaintiff, Deborah Johnson, in connection with her Chapter 13 Bankruptcy, pending as Case Number 07-53614. As of the date of this letter, the bankruptcy case, while dismissed, was still awaiting closing. First Federal Bank is also informed and believes that Plaintiff, Gerald Johnson, plans to file for bankruptcy protection. Consequently, First Federal Bank anticipates it will incur additional legal fees litigating with the Plaintiffs in a new bankruptcy proceeding.

First Federal Bank's counsel is located in southern California, and accordingly, the bank will have to incur travel expenses in the form of airfare (\$100.00-\$200.00) and taxi cabs (\$50.00-\$100.00) for its counsel to personally appear at the hearing on its Motion to Dismiss the Complaint. In addition, it will cost First Federal Bank 8-10 hours in attorneys' fees for its counsel to travel to the hearing in Northern California.

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First Federal Bank submits that the instant action is just one of a series of legal maneuvers made by the Johnsons in an attempt to stall the foreclosure, unlawful detainer action and sale of their residence due to the non-payment of their loan with First Federal Bank.

First Federal Bank is trying desperately to keep the costs of this litigation down, and accordingly, respectfully requests that its counsel be allowed to appear at the March 4, 2008 hearing on its Motion to Dismiss the Complaint telephonically.

Please advise as to whether this is acceptable at your earliest convenience so that we can make the necessary arrangements. Thank you for your consideration of this request.

Very truly yours,

HEMAR, ROUSSO & HEALD, LLP

By: 
PAMELA L. COX

PLC/wp
cc: Gerald Johnson and Deborah Johnson (Plaintiffs)